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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rolf Bucker

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

10/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,604	<b>Applicant(s)</b> BUCKER ET AL.	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009 and 15 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,11-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,11-26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Drawings***

The drawing correction filed February 23, 2009 is approved.

***Claim Rejections - 35 USC § 112***

Claims 1-3, 5-8, 11-26 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “for fastening a door lock” on line 7 of claim 1 render the claims indefinite because it is unclear what element the fastening points fasten the door lock to. Recitations such as “a longitudinally extended subsection” on lines 9-10 of claim 1 render the claims indefinite because it is unclear what element of the invention includes the subsection to which the applicant is referring. Recitations such as “at least one fastening point” on line 2 of claim 2 render the claims indefinite because it is unclear if the at least one fastening point on line 2 of claim 2 is one of the fastening points set forth above or is in addition to the fastening points set forth above.

Recitations such as “a recess is provided” on lines 1-2 of claim 3 render the claims indefinite because it is unclear what element of the invention the recess is formed in.

Recitations such as “two fastening points” on lines 1-2 of claim 12 render the claims indefinite because it is unclear whether or not the applicant is referring to the fastening points set forth above. Recitations such as “one one” on lines 1-2 of claim 13 appear to be typographical errors. It is suggested the applicant replace recitations such as “this” on line 3 of claim 14 to the more customary antecedent “the” or “said”. Recitations such

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as "a door lock" on line 3 of claim 21 render the claims indefinite because it is unclear whether or not the applicant is referring to the door lock set forth above. Recitations such as "held widened out" on line 2 of claim 26 render the claims indefinite because it is unclear what the applicant is attempting to set forth.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, 11-14, 16-21, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Staser et al. (US 5469664). Staser et al. discloses a multifunctional support 12 for a motor vehicle having a vehicle longitudinal axis, the multifunctional support comprising:

a retaining section 14, 16 configured to fasten to an assembly support of a motor vehicle door;

an elongated window guide 30 connected to the retaining section for guiding a window pane; and

fastening points (labeled below) for fastening a door lock;

wherein the retaining section 14, 16 is connected to the window guide 30 along a longitudinally extended subsection, the longitudinally extended subsection having two

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terminal zones (labeled below) and an extension direction between the two terminal zones;

wherein the retaining section in one terminal zone, i.e., the top, of the longitudinally extended subsection is connected substantially rigidly to the window guide and the retaining section in the other terminal zone, i.e., the bottom, of the longitudinally extended subsection is connected flexibly to the window guide 30; and

wherein the flexible connection in the other terminal zone of the subsection comprises at least one deformable region 48, the deformable region being deformable along the vehicle longitudinal axis and thus enabling a longitudinal displacement of the retaining section relative to the window guide along the vehicle longitudinal axis and perpendicular to the extension direction of the subsection between the two terminal zones of the subsection;

at least one fastening point (labeled below) for the door lock in the vicinity of the other terminal zone of the longitudinally extended subsection (claim 2);

a recess is provided (labeled below) between the two terminal zones (claim 3);

wherein the deformable region 48 is formed on at least one of the retaining section and the window guide 30 (claim 5);

wherein the deformable region 48 is integrated in one piece with the retaining section 16 when they are connected together as shown in figure 1 (claim 6);

wherein the retaining section 16 and the window guide 30 are formed in one piece with each other when they are connected together as shown in figure 1 (claim 7);

wherein the retaining section and the window guide 30 are made of plastic as shown by the cross sectional shading in figure 2 (claim 8);

wherein the retaining section 16 is movable relative to the window guide 30 in an installed state along at least one of the vehicle longitudinal axis and a horizontal vehicle transverse axis (claim 11);

wherein two fastening points are provided (one labeled below, the other comprising one of the door lock fastening points), one on each side of the deformable region (claim 12);

wherein one of the fastening points for the door lock is provided on the retaining section 14 and the other one of the fastenings point (labeled below) is provided on the window guide (claim 13);

wherein a first fastening point for the door lock provides a play connection so that the door lock has restricted movement relative to this fastening point and a second fastening point for the door lock provides a rigid connection (claim 14);

wherein the two fastening points are arranged on regions which deform differently (claim 16);

wherein a recess (labeled below) is provided along the extension direction of the subsection between the two terminal zones of the subsection, and wherein the first fastening point projects over the recess (claim 17);

wherein the window guide 30 has two fastening locations (labeled below), spaced out from each other along the extension direction of the subsection for fastening

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on a door body, wherein the fastening locations lie, respectively, in opposite end regions of the elongated window guide (claim 18);

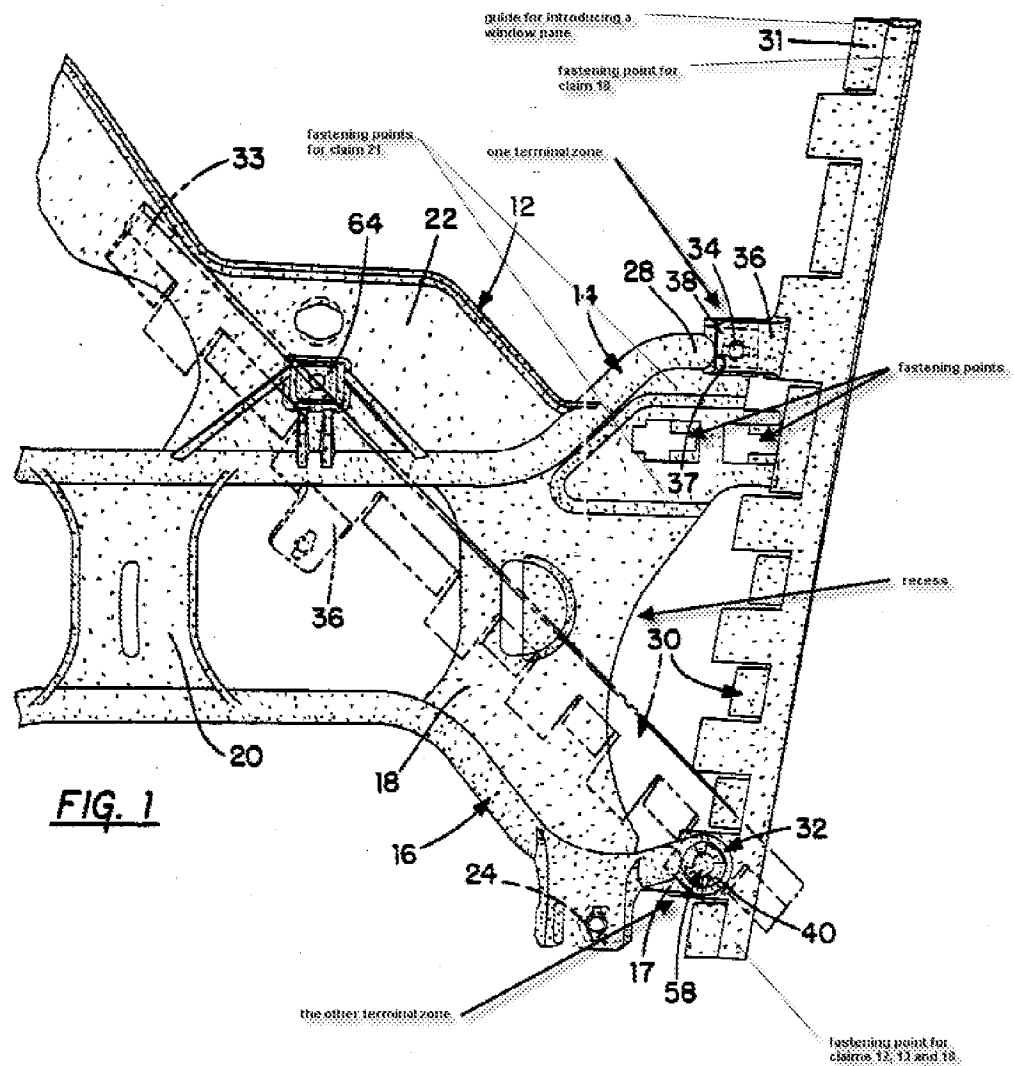
wherein a fastening point (labeled below) for fastening the door lock is mounted between the two fastening locations for fastening the window guide on the door body (claim 19);

wherein the fastening point for the door lock placed between the two fastening locations for the window guide 30 comprises a fiat contact surface against the door lock so that forces are transferable to the door body through the combination of the window guide and the door lock (claim 20);

wherein fastening points (labeled below) are provided on the multifunctional support for a security cover for covering regions of a door lock (claim 21);

a guide (labeled below) that is arranged for introducing a window pane into a guide channel of the window guide 30 (claim 25).

With respect to claim 7, the limitations regarding how the multifunctional support is manufactured have been treated as product by process limitations and, as such, are anticipated by the product as set forth above



Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Staser et al. (5469664). Staser et al. discloses a multifunctional support for a motor vehicle comprising:

a retaining section 14, 16 to fasten to an assembly support of a motor vehicle door;



an elongated window guide 30 connected to the retaining section for guiding a window pane; and

fastening points (labeled below) for fastening a door lock;

wherein the retaining section 14, 16 is connected to the window guide 30 along a longitudinally extended subsection, the longitudinally extended subsection having two terminal zones (labeled below);

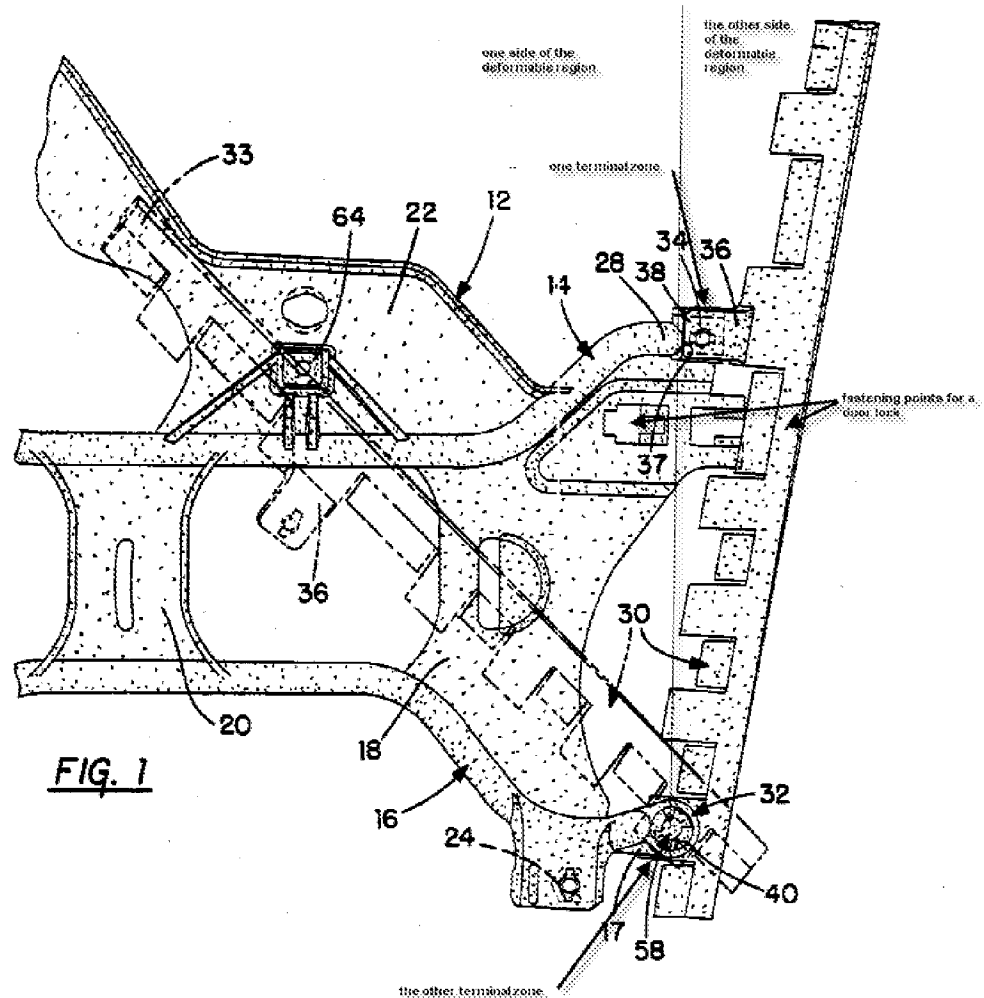
wherein the retaining section in one terminal zone of the longitudinally extended subsection is connected substantially rigidly to the window guide 30 and the retaining section in the other terminal zone of the longitudinally extended subsection is connected flexibly to the window guide;

wherein the flexible connection in the other terminal zone of the subsection comprises at least one deformable region 48;

wherein two fastening points are provided for the door lock, one on each side of the deformable region (see below) so that the deformable region is located between the two fastening points;

wherein one fastening point for the door lock is provided on the retaining section 14, 16 and one fastening point is provided on the window guide 30; and

wherein one fastening point for the door lock has a sliding guide so that the door lock is displaceable relative to this fastening point.



### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staser et al. as applied to claims 1-3, 5-8, 11-14, 16-21, 25 and 26 above, and further in view of Staser et al. (US 5535553). Staser et al. '553 discloses a first fastening point for a door lock 70 has a sliding guide (not specifically numbered, but shown in figure 1) so that the door lock 70 is displaceable relative to this fastening point and has a detent element 73 which forms a stop.

It would have been obvious to one of ordinary skill in the art to provide Staser et al. '664 with a door lock and mounting means, as taught by Staser et al. '553, so that the vehicle door can be locked in a closed position while permitting the lock 70 to float within a range of motion (see column 3, lines 23-26).

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staser et al. as applied to claims 1-3, 5-8, 11-14, 16-21, 25 and 26 above, and further in view of German Patent Publication 299 16 066. German Patent Publication 299 16 066, in figure 4b, discloses a bearing section 22 for a holder 2 of an outside handle of a door, wherein fastening points 22, 23 for the holder 2 of an outside handle of the door are flexibly linked to a bearing section 1.

It would have been obvious to one of ordinary skill in the art to provide Staser et al. with a bearing section for a holder of an outside handle of a door, as taught by German Patent Publication 299 16 066, to more easily mount an outside door handle to the vehicle door.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staser et al. as applied to claims 1-3, 5-8, 11-14, 16-21, 25 and 26 above, and further in view of Morrison et al. (US 6823628). Morrison et al. discloses a multifunctional support 26 comprising at least one holder 35 for an electric cable 38.

It would have been obvious to one of ordinary skill in the art to provide Staser et al. with a holder, as taught by Morrison et al., so that electrical cables can be easily secured to the support.

### ***Response to Arguments***

Applicant's arguments filed June 15, 2009 and February 23, 2009 have been fully considered but they are not persuasive. The applicant argues that Staser et al. '664 fails to teach a deformable region being deformable along the vehicle longitudinal axis. This argument is not persuasive. Staser et al., in column 3, lines 31-33, discloses that the pivot joint 32 is flexed when the window guide 30 is in position 31. In order for the pivot joint 32 to be flexed, it must deform, therefore, Staser et al. discloses a deformable region 32. Based on the drawings, it appears that the element 48 would provide the greatest, if not all, of the deformation of the deformable region 32. Since the element 48 is capable of being deformed along the vehicle longitudinal axis, Staser et al. discloses a deformable region being deformable along the vehicle longitudinal axis.

The applicant's comments regarding claim 28 are not persuasive based on the rejection of claim 28 above. Staser et al. discloses a deformable region between the two fastening points as shown in the above annotated figure 1 of Staser et al.

Additionally, Staser et al. discloses a sliding guide so that the door lock is displaceable relative to this fastening point. As shown in figure 1, one of the labeled fastening points for the door lock comprises an elongated slot which comprises said sliding guide.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634